

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2151 - HB 2452

February 16, 2022

SUMMARY OF BILL: Establishes the following as unlawful discriminatory practices under the *Tennessee Human Rights Act*, when based on an individual's COVID-19 vaccination status: an individual, public officer, public employee, or governmental entity refusing a person a service, good, facility, access, advantage, privilege, financial aid or benefit, credit, insurance, license, healthcare access, educational opportunity, or employment opportunity; an employer refusing employment, barring employment, or discriminating against a person in compensation, terms, conditions, locations, rights, immunities, promotions, or privileges of employment; a place, store, or establishment that solicits or accepts the patronage of the general public excluding, segregating, refusing to serve, or discriminating against an individual.

Establishes that these prohibitions do not apply to vaccination requirements for a public school, nursery school, preschool, or child care facility.

Establishes that it is an unlawful discriminatory practice for an individual, governmental entity, or employer to require the testing of an individual for a communicable disease who is by a reasonable standard showing no known or perceivable symptoms of a communicable disease.

Excludes healthcare facilities, nursing homes, and assisted care facilities from unlawful discrimination violations if the facility asks employees to volunteer vaccination status to determine if the facility should implement reasonable accommodation to protect the safety and health of employees, patients, and visitors, and implements such measures.

Establishes that a respondent in a case involving discriminatory practices as defined in the proposed legislation is subject to civil penalties of up to \$50,000 per occurrence. Authorizes a court to award additional punitive damages to a plaintiff.

Requires the Department of Health (DOH), county health departments, and county boards of health to display the established unlawful discriminatory practices on their websites for at least six months beginning on the effective date of this legislation.

FISCAL IMPACT:

NOT SIGNIFICANT

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Assumptions:

- The addition of this discriminatory practice under the *Tennessee Human Rights Act* is not estimated to significantly increase the number of phone calls, online complaint submittals, or caseload processing on behalf of the Tennessee Human Rights Commission. Any additional complaints as a result of the proposed legislation are estimated to be handled within existing resources.
- There is not estimated to be a significant increase in civil penalties filed on behalf of the THRC; therefore, no significant increase in revenue or expenditures to state or local government.
- Immunization or vaccination for COVID-19 is currently not required by any state or local governmental entity in Tennessee, nor is mandated testing. Prohibiting any such future requirement will not result in a significant fiscal impact to the state or local government.
- The DOH, county health departments, and county boards of health can adhere to the provisions of the legislation within existing resources.
- If the proposed legislation prohibits a state or local entity or private business from following any future federal vaccination mandate, federal funding could be jeopardized.
- Currently, federal law mandates critical healthcare workers at facilities receiving funds from Medicaid and Medicare to receive the COVID-19 vaccine. Federal law provides for a medical or religious belief exemption to the mandate. It is assumed any employer of critical healthcare workers is following federal mandate guidelines and will not be in jeopardy of losing federal funds by complying with the proposed legislation.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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